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PART IV

Section 2-A

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. 4556—L.A., dated Bangalore, 20th October 1951.

Under Rule 48 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the following Bill together with the Statement of Objects and Reasons relating thereto and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

THE MYSORE HIGH COURT (AMENDMENT) BILL, 1951.

A Bill further to amend the Mysore High Court Act, 1884.

Preamble.

WHEREAS it is expedient further to amend the Mysore High Court Act, 1884 (Mysore Act I of 1884), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Mysore High Court (Amendment) Act, 1951.

(2) It shall come into force at once.

Amendment of preamble to Mysore Act I of 1884.

2. In the preamble to the Mysore High Court Act, 1884 (hereinafter referred to as the said Act), after the words "amend the constitution of", the words "and to provide for the administration of justice by" shall be inserted.

Amendment of section 1 of Mysore Act I of 1884.

3. In section 1 of the said Act, the fourth paragraph shall be omitted.

Omission of sections 2, 4, 6, 7, 8, 9 and 10 of Mysore Act I of 1884.

4. Sections 2, 4, 6, 7, 8, 9 and 10 of the said Act, shall be omitted.

Amendment of section 13 of Mysore Act I of 1884.

5. In section 13 of the said Act, the second sentence shall be omitted.

Amendment of section 15 of Mysore Act I of 1884.

6. In section 15 of the said Act,

(1) to sub-section (1), the following proviso shall be added, namely:—

"Provided that second appeals arising out of any suit or proceeding, the amount or value of the subject-matter of which does not exceed three thousand rupees, shall be heard and disposed of by any Judge of the High Court sitting alone and any such Judge may, if he is satisfied that a substantial question of law is involved in the case, refer such second appeal to a Bench of Judges for disposal."

(2) in sub-section (3), the second sentence shall be omitted.

7. In section 16 B of the said Act, the words and figures "Notwithstanding anything contained in the proviso to section 19", shall be omitted. Amendment of section 16B of Mysore Act I of 1884.

8. In the third paragraph of section 18 of the said Act, the first and second sub-paragraphs and the word "thirdly" in the third sub-paragraph shall be omitted. Amendment of section 18 of Mysore Act of 1884.

9. In section 19 of the said Act, the proviso shall be omitted. Amendment of section 19 of Mysore Act I of 1884.

10. For section 23 of the said Act, the following section shall be substituted, namely :— Substitution of new section for section 23 of Mysore Act I of 1884.

"23 (1) In addition to public holidays authorised by the Government of Mysore, the High Court shall have three vacations in each year, namely, Summer, Dasara and Winter. Vacations.

(2) The total number of days in all the said three vacations shall not exceed eighty days and the period of each vacation in each year shall be fixed by the Chief Justice."

11. Notwithstanding anything contained in any law or decision having the force of law to the contrary, the provisions of section 15 of the Mysore High Court Act, 1884, as amended by section 6 of this Act, shall apply— Application of section 15 of Mysore Act I of 1884 as amended by section 6 to pending cases.

(i) to all second appeals pending in the High Court, and

(ii) to all second appeals arising out of any suit, appeal or other proceeding pending in any Civil Court subordinate to the High Court,

on the date of commencement of this Act.

Statement of Objects and Reasons.

The High Court Arrears Committee presided over by the Hon'ble Mr. Justice S. R. Das of the Supreme Court has made certain suggestions to bring down the arrears

in the High Courts. The Committee has recommended *inter alia* that a single Judge's jurisdiction in civil matters in the High Courts where it is at present below Rs. 5,000 should be raised to Rs. 5,000. The arrears of work in the High Court of Mysore are heavy and are on the increase. It is therefore considered that one of the methods to tackle the problem would be by giving effect to the recommendation of the Das Committee in this respect. The Mysore High Court have recommended that for the present the single Judge's jurisdiction may be fixed at Rs. 3,000 instead of Rs. 5,000 as proposed by the Das Committee. This entails certain amendments to the Mysore High Court Act, 1884.

At present there is no provision of law governing vacation for the High Court. On the recommendation of the High Court it is considered necessary to make provision for this purpose.

With the commencement of the Constitution of India and the extension of the Central Code of Civil Procedure, 1908, to Mysore certain amendments have to be made in the Mysore High Court Act.

Hence this Bill.

K. CHENGALARAYA REDDY.

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